

FAX COVER SHEET

TO

COMPANY

FAX NUMBER 12025860575

FROM Daniel Epstein

DATE 2014-08-08 08:56:37 EDT

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COVER MESSAGE

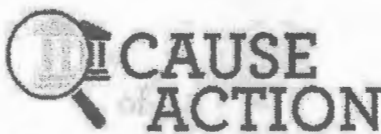
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Cause of Action



Advocates for Government Accountability

A 501(c)(3) Nonprofit Corporation

August 7, 2014

VIA FACSIMILE

Ms. Ingrid A. Kolb
Chief FOIA Officer
FOIA Requester Service Center
U.S. Department of Energy
1000 Independence Avenue, SW
Mail Stop MA-90
Washington, DC 20585
Fax: (202) 586-0575

Re: Freedom of Information Act Request

Dear Ms. Kolb,

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), Cause of Action hereby requests access to (all records reflecting communications to, from, or between the following Department of Energy ("DOE") employees)

1. Mark Smith, Clean Cities Vehicle Technology Deployment Manager
2. Mike Scarpino, Clean Cities Northeast Regional Manager
3. Rita D. Ebert, Greater Long Island Clean Cities Coordinator

Please restrict this search to records containing the following names, words, or phrases, and reasonable variations thereof: (1) CNG One Source; (2) Teslovich; (3) Emission Solutions, Inc. (ESI); (4) Omnitek, Inc.; (5) Navistar; (6) Phoenix engine; (7) Syosset Trucks; and (8) Oyster Bay.

The time period for this request is (January 1, 2013 to present.)

Request for News Media Status

For fee purposes, Cause of Action qualifies as a "representative of the news media" under 5 U.S.C. § 552(a)(4)(A)(ii)(II). Specifically, Cause of Action gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.

Cause of Action gathers news that it regularly publishes from a variety of sources, including FOIA requests, whistleblowers/insiders, and scholarly works. Cause of Action does not merely

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SCIENTIFIC/EDUCATIONAL/NEWS MEDIA
100 FREE PAGES

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make raw information available to the public, but rather distributes distinct work products, including articles, blog posts, investigative reports, and newsletters.¹ These distinct works are distributed to the public through various media, including Cause of Action's website, which has been viewed just under 120,000 times in the past year alone.² Cause of Action also disseminates news to the public via Twitter and Facebook, and it provides news updates to subscribers via e-mail.

The statutory definition of a "representative of the news media" unequivocally contemplates that organizations such as Cause of Action, which electronically disseminate information and publications via "alternative media[,] shall be considered to be news-media entities." 5 U.S.C. § 552(a)(4)(A)(ii)(II). In light of the foregoing, federal agencies—including the Department of Energy—have appropriately recognized Cause of Action's news media status in connection with its FOIA requests.³

Request for a Public Interest Fee Waiver

Cause of Action requests a waiver of any and all applicable fees pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). This provision provides that requested records shall be furnished without or at reduced charge if "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester."⁴

In this case, the requested records would shed light on the "operations or activities of the government," namely DOE's regulatory enforcement efforts and, through the Clean Cities program, its efforts to reduce petroleum consumption and introduce alternative vehicle engine technologies. Moreover, the requested records might inform the public of DOE's interaction and cooperation with other government agencies on issues of public interest, including emerging alternative source engine technology. In short, disclosure would also "contribute significantly" to the public's understanding of DOE's general operations. To date, such records have not been made publicly available.

Cause of Action has both the intent and ability to make the results of this request available to a reasonably broad public audience through various media. Cause of Action's staff has a wealth of experience and expertise in government oversight, investigative reporting, and federal public interest litigation. These professionals will analyze the information responsive to this request, use their editorial skills to turn raw materials into a distinct work, and share the resulting analysis with the

¹ See, e.g., CAUSE OF ACTION, GRADING THE GOVERNMENT: HOW THE WHITE HOUSE TARGETS DOCUMENT REQUESTERS (Mar. 18, 2014), available at <http://causeofaction.org/grading-government-white-house-targets-document-requesters/>; see also CAUSE OF ACTION, GREENTECH AUTOMOTIVE: A VENTURE CAPITALIZED BY CRONYISM (Sept. 23, 2013), available at <http://causeofaction.org/2013/09/23/greentech-automotive-a-venture-capitalized-by-cronyism-2/>; see also CAUSE OF ACTION, POLITICAL PROFITEERING: HOW FOREST CITY ENTERPRISES MAKES PRIVATE PROFITS AT THE EXPENSE OF AMERICAN TAXPAYERS PART I (Aug. 2, 2013), available at <http://causeofaction.org/2013/08/02/political-profiteering-how-forest-city-enterprises-makes-private-profits-at-the-expense-of-americas-taxpayers/>.

² Google Analytics for <http://www.causeofaction.org> (on file with Cause of Action).

³ See, e.g., FOIA Request LR-20140441, Nat'l Labor Relations Bd. (June 4, 2014); FOIA Request 14-01095, Sec. & Exch. Comm'n (May 7, 2014); FOIA Request 2014-4QFO-00236, Dep't of Homeland Sec. (Jan. 8, 2014); FOIA Request DOC-OS-2014-000304, Dep't of Commerce (Dec. 30, 2013); FOIA Request 14F-036, Health Res. & Serv. Admin. (Dec. 6, 2013); FOIA Request CFPB-2014-010-F, Consumer Fin. Prot. Bureau (Oct. 7, 2013); FOIA Request 2013-01234-F, Dep't of Energy (July 1, 2013); FOIA Request 2013-073, Dep't of Homeland Sec. (Apr. 5, 2013); FOIA Request 2012-RMA-02563F, Dep't of Agric. (May 3, 2012); FOIA Request 2012-00270, Dep't of Interior (Feb. 17, 2012); FOIA Request 12-00455-F, Dep't of Educ. (Jan. 20, 2012).

⁴ 5 U.S.C. § 552(a)(4)(A)(iii).

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public, whether through Cause of Action's regularly published online newsletter, memoranda, reports, or press releases.⁵

Finally, Cause of Action, a non-profit organization as defined under Section 501(c)(3) of the Internal Revenue Code, has no commercial interest in making this request. The requested information will be used solely to educate the general public regarding DOE's heretofore undisclosed practices and policies.

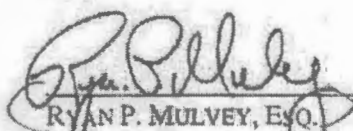
Record Production and Contact Information

In an effort to facilitate record production, please provide the responsive records in electronic format (e.g., PDFs). If a certain set of responsive records can be produced more readily, Cause of Action respectfully requests that those records be produced first and that the remaining records be produced on a rolling basis as circumstances permit.

If you have any questions about this request, please contact Ryan Mulvey or James Valvo at ryan.mulvey@causeofaction.org or james.valvo@causeofaction.org, or by telephone at (202) 499-4232. Thank you for your attention to this matter.

CAUSE OF ACTION

BY:


RYAN P. MULVEY, ESQ.
R. JAMES VALVO III, ESQ.

⁵ See <http://www.causeofaction.org>.